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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,558	05/14/1999	MARC ALAIA	046700-5004-05	1385

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WASHINGTON, DC 20004

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL
Notice of Allowability

Application No.

09/311,558

Examiner

JAGDISH N PATEL

Applicant(s)

ALAIA ET AL.

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to amendment filed 2/16/01.
2. ☐ The allowed claim(s) is/are 71-76 and 94-132.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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SUPPLEMENTAL DETAILED ACTION

1. This office action is a supplementary action to the previously issued notice of allowability dated 3/27/01. This office action is issued to clearly record all pertinent prior art cited in the course of prosecution of the application.

Allowable Subject Matter

2. Claims 71-76 and 94-132 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 71-76 and 94-132: The claimed invention(s) pertain to a method of and a system for limiting bids in an electronic auction wherein a bid ceiling or a bid floor are applied for bid or bids received from potential sellers.

The closest prior art ("SOLD! ... TO THE LOWEST BIDDER, Computer Finance, v6, n2, July 1995.) teaches a method of conducting an online auction between a buyer and a plurality of potential sellers (suppliers) in a format known as RATS (Reverse Auction Tendering System). Bid ceiling and bid floor are established for entire auction and applied across all participants (bidders). The SOLD reference, however, fails to disclose an individual bid ceiling for each of a plurality of potential sellers bidding in a reverse auction.

Claims 71-76 and 94-132: allowed because the identified most relevant prior art of record fails to teach or suggest a method of, a computer- readable medium for or a bidding device operated by a potential seller which comprises the unique feature recited in the respective claims as listed below:

-- determining whether a bid for a potential seller is greater than a corresponding individual bid ceiling for the seller wherein the auction is a downward auction (claims 71-73, 94-98, 103-110, 118-125).

-- determining whether a bid for a potential seller is less than a corresponding individual bid floor for the seller wherein the auction is an upward auction (claims 74-76, 99-102, 111-117, 126-132).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-PAT-NO: 5715402 to Popolo discloses a Method and system for matching sellers and buyers of spot metals.

US-PAT-NO: 5774873 to Berent et al. teaches an Electronic on-line motor vehicle auction and information system.

US-PAT-NO: 5826244 to Huberman discloses a Method and system for providing a document service over a computer network using an automated brokered auction.

US-PAT-NO: 5,835,896 to Fisher et al. teaches a method and system for processing and transmitting electronic auction information. Fisher et al. fail to address the problem of controlling bidding status.

US-PAT-NO: 5905974 to Fraser et al. teaches an Automated auction protocol processor.

US-PAT-NO: 5905975 to Ausbel discloses a Computer implemented methods and apparatus for auctions.

US-PAT-NO: 5915209 to Lawrence teaches a Bond trading system.

PUB-NO: WO009834187A1 teaches a method of holding auctions, which take place in a computer environment, where a plurality of sellers and bidders may submit bids from local computers to a central computer.

The following non-patent references pertain to general state of auction as relates to the subject application:

"Online Bidding Software", Electronic Buyer's News, 8/25/97 Iss 172, p86 1/6p

"FairMarket Launches New Self-Serve Auctions.", Business Wire, p6161495, Jun. 16, 1998.

"Broadvision Developing First Interactive Commerce management System to Support Online Sales & Marketing Process..", Business Wire, p515052, May 15, 1995.

Lee, Ho Geum, "Do electronic marketplace lower the price of goods?" Communications of the PCM, v41n1 pp 73-80 Jan 1998.

"Venture capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, Jan 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or


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Informal faxes for this Art Unit can be submitted to (703) 746-7240. **Draft faxes may also be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.
JNP 04/01/02



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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